

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7067

IN THE MATTER OF:

Served March 4, 2003

BARON TRANSPORTATION, INC.,                     )  
Suspension and Investigation of  
Revocation of Certificate No. 33             )

Case No. MP-2002-42

This matter is before the Commission for the purpose of deciding whether to reinstate Certificate of Authority No. 33.

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 33 for a minimum of \$5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) issued in respondent's name for each policy comprising the minimum.

Certificate No. 33 was automatically suspended on June 6, 2002, pursuant to Regulation No. 58-02 when the \$5 million WMATC Insurance Endorsement on file for respondent expired without being replaced, as noted in Order No. 6685, served that same day. The order also noted that respondent had failed to pay the \$100 annual fee for 2002, as required by Article IV, Section 4(a), of the Compact, Regulation No. 67 and Order No. 3601. Accordingly, the order directed respondent to cease and desist from conducting transportation subject to the Compact, unless and until otherwise ordered by the Commission. Respondent was given thirty days to file a new WMATC Insurance Endorsement and pay the annual fee or face revocation of Certificate No. 33. Respondent failed to comply, and Certificate No. 33 was revoked on August 7, 2002, in Order No. 6763.

Respondent eventually filed a \$5 million WMATC Insurance Endorsement effective September 4, 2002, paid the annual fee for 2002 and filed an application for reconsideration of Order No. 6763 on September 5, 2002. We denied the application in Order No. 6846, served October 9, 2002, because the application did not allege any error on the part of the Commission as required by Article XIII, Section 4(a), of the Compact. However, because respondent had paid the fee and replaced the Endorsement, we announced that we would consider reopening this proceeding on our own initiative and reinstating Certificate No. 33 but only after our investigation in Case No. MP-2002-97 into whether respondent continued operating while suspended and revoked had concluded.



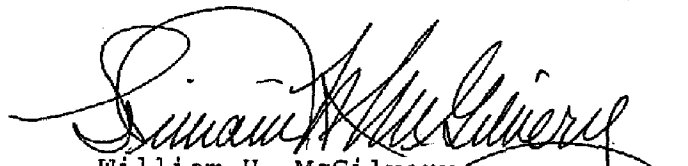
The investigation in Case No. MP-2002-97 has now concluded with regard to Baron, resulting in a finding that Baron operated between points in the Metropolitan District on twenty-four separate days while suspended and revoked in knowing and willful violation of Article XI, Section 6(a), of the Compact and that twenty-three of those violations occurred before September 4, 2002, while respondent was uninsured.<sup>1</sup> Under the circumstances, we do not believe it would be in the public interest to reinstate Certificate No. 33 at this time.<sup>2</sup>

THEREFORE, IT IS ORDERED:

1. That respondent shall immediately surrender Certificate of Authority No. 33.

2. That respondent shall immediately remove from its vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61 and file a notarized affidavit with the Commission verifying compliance.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND MCDONALD:



William H. McGilvery  
Executive Director

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<sup>1</sup> In re William E. Gillison, t/a Quiana Tours, Quiana Tours, Inc., & Baron Transp., Inc., No. MP-02-97, Order No. 7066 at 4 n.7 (March 4, 2003).

<sup>2</sup> See In re Safe Haven. Inc., No. MP-02-14, Order No. 6762 (Aug. 7, 2002) (certificate of authority not reinstated where carrier operated while suspended and underinsured).

